

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

WAYNE STEWART,

Plaintiff,

v.

NIKKI FORD,

Defendant.

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No. 2:17-CV-00007-HEA

OPINION, MEMORANDUM AND ORDER

This administratively closed case is before the Court on self-represented plaintiff Wayne Stewart's motion for appointment of counsel and request for an order of mediation. For the following reasons, the motion will be denied.

This case was stayed and administratively closed on August 4, 2017 because of defendant's medical condition and her ongoing treatment at the Mayo Clinic Hospital in Rochester, Minnesota. The case has been completely dormant for more than two years. The Court has received no further information regarding defendant's medical condition. The stay has not been lifted and the case has not been re-opened.

There is no constitutional or statutory right to appointed counsel in a civil case. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Battle v. Armontrout*, 902 F.2d 701, 702 (8th Cir. 1990); *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th

Cir. 1986); *Nelson*, 728 F.2d at 1005. After considering these factors, The Court does not find that appointment of counsel is warranted in this closed case.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel and request for an order of mediation is **DENIED**. [ECF No. 22]

Dated this 10th day of July, 2020.

A handwritten signature in black ink, reading "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE